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## FISCAL IMPACT REPORT

ORIGINAL DATE 3/09/07

SPONSOR HJC LAST UPDATED \_\_\_\_\_ HB 1192/HJCS/aHFL

Prohibit Intimidation of Judges & District

SHORT TITLE Attorneys SB \_\_\_\_\_

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ANALYST C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB1133

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Bernalillo County Metropolitan Courthouse (BCMC)  
 Public Defenders (PD)  
 Administrative Office of District Attorneys (AODA)  
 Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Amendment

The House Floor amendment adds attorneys, who represent defendants in criminal trials, under the definition of criminal justice officials.

#### Synopsis of Bill

The House Judiciary Committee Substitute for House Bill 1192 would enact a new section of the Criminal Code prohibiting the intimidation of a “criminal justice official ... or a staff or family member of a criminal justice official” who is or may become involved in a judicial, administrative, legislative or other official cause or proceeding for the purpose of preventing or influencing a ruling, prosecution, investigation or testimony. The substitute bill includes a definition of “criminal justice official” that broadens the protected class from just judges, district

attorneys and peace officers to include, e.g., public defenders, hearing officers and probation and parole officers

The bill would also criminalize retaliation, i.e. causing bodily injury or damage to property or threatening to do so, with the intent to retaliate against a criminal justice official for a judicial ruling, prosecution, investigation or testimony.

Penalty for intimidation of a criminal justice official is a third degree felony; retaliation is a second degree felony.

### **SIGNIFICANT ISSUES**

There are no significant issues as to the creation of the crime.

The frequency of prosecution would likely be minimal.

One issue that may or may not arise is the conflict of interest involved in the prosecution of a defendant within the judicial district where the judge, district attorney or peace officer serves. There is already an established procedure for dealing with conflicts of interest for all sorts of reasons. This new law would easily fall within that procedure.

### **ADMINISTRATIVE IMPLICATIONS**

Legislation resulting in new crimes may create the possibility that more criminal defendants will proceed to trial instead of accepting a plea offer. This will result in an increased caseload and additional court time for Public Defender Department attorneys.

### **DUPLICATION**

SB 1133

### **OTHER SUBSTANTIVE ISSUES**

The judges of the Bernalillo County Metropolitan Court (“BCMC”) fully support the passage of this legislation.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo

CS/mt